

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith one formal replacement sheet of drawings for Figure 5.

Attachment: 1 Replacement Sheet

REMARKS

Claims 1-10 have been examined. The Examiner has objected to claims 8-10. Also, claims 1-7 have been rejected under 35 U.S.C. § 102(b).

I. Preliminary Matters

The Examiner has objected to claims 8-10 as being in improper form since a multiple dependent claim cannot depend from another multiple dependent claim. Accordingly, Applicant has amended the claims in a manner believed to overcome the objection and therefore requests that the claims be examined on their merits. Applicant submits that claims 8-10 are patentable by virtue of their dependency/incorporation of claim 1 as well as due to the specific features recited therein.

Also, the specification discusses reference numeral 50 in regard to Figure 5. However, the reference numeral is not provided in the original figure as filed. Accordingly, Applicant submits herewith a formal replacement sheet for Figure 5 including reference numeral 50.

II. Rejection under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,277,300 to Maggioni (“Maggioni”)

The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by Maggioni.

By this Amendment, Applicant has incorporated the features of claim 2 into claim 1. Since Maggioni fails to teach or suggest such features, Applicant submits that claim 1 is now patentable over the cited reference.

III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,965,918 to Magin (“Magin”)

The Examiner has rejected claims 1-7 under 35 U.S.C. § 102(b) as allegedly being anticipated by Magin.

A. Claim 1

By this Amendment, Applicant has incorporated the features of claim 2 into claim 1. Accordingly, claim 1 now recites, “wherein the vibration imparted to the rubber member has a frequency of 5 to 100 Hz, an amplitude of 0.5 to 10 mm, and a time period of vibration of 1 sec or longer.”

Magin fails to disclose the above recited frequency, etc. Accordingly, the Examiner maintains that the device of Magin is capable of imparting *any* vibrational frequency and amplitude as being parameters capable of being controlled (pgs. 3 and 4 of Office Action). Based on the rejection, the Examiner appears to be using a “routine experimentation” rationale. Therefore, Applicant refers the Examiner to MPEP 2144.05(II)(B), which states that a particular parameter must first be *recognized* as a variable which achieves a recognized result, before the determination of the optimum or workable ranges of the variable can be characterized as *routine experimentation*. The Magin reference fails to provide any frequency, amplitude, time period data or disclosure related thereto to determine whether any of the features are result-effective variables. Accordingly, Applicant respectfully requests that the Examiner cite to a teaching or reference to support the Examiner’s contention if the rejection of claim 1 is to be maintained.

B. Claim 2

Since the features of claim 2 have been incorporated into claim 1, Applicant has canceled claim 2 without prejudice or disclaimer.

C. Claim 4

Claim 4 currently recites, “a protruding part is provided as the vibration imparting part on a rubber member loading surface side of the endless belt.”

The Examiner contends that the arm lever 493 of Magin discloses the claimed protruding part. Claim 4, however, recites that the protruding part protrudes from the loading surface side of the endless belt. Applicant submits that the arm lever 493 clearly does not protrude “from” any surfaces of the endless belts. Rather, the arm levers 493 are extensions off of the lifting rods 491 and merely *contact* a surface of the endless belts (see Fig. 3).

At least based on the foregoing, Applicant submits that claim 4 is patentable over the cited reference. In addition, Applicant submits that claim 4 is patentable at least by virtue of its dependency.

D. Claim 6

Claim 6 recites, “wherein, as the revolving elements, rollers are provided such that an axis of rotation thereof is in a direction orthogonal to a conveyance direction.”

The Examiner refers to bearings 494 of Magin as disclosing the claimed rollers. As shown in Figure 3 of Magin, the bearings 494 support the arm levers 493. The bearings 494, however, do not contact any element being conveyed on the endless belts. Accordingly, the bearings 494 do not *and could not* butt up against a rubber member and turn by a moving force of the endless belt and friction exerted by the rubber member, as recited in claim 5 (upon which claim 6 depends).

Although the rubber member itself is not a structural aspect of the device, the fact that the claimed rollers will contact with the rubber member relates to the structural positioning of the rollers and therefore sets definite boundaries on the patent protection sought, MPEP § 2173.05(g).

At least based on the foregoing, Applicant submits that claim 6 is patentable over the cited reference. In addition, Applicant submits that claim 6 is patentable at least by virtue of its dependency.

E. Claims 3, 5 and 7

Applicant submits that claims 3, 5 and 7 are patentable at least by virtue of their dependency.

IV. Newly Added Claims

By this Amendment, Applicant has added claims 11-14. Applicant submits that claim 11 is patentable for at least analogous reasons as claim 4, and claims 12-14 are patentable at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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